

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | No. 3:24-CR-27-KAC-JEM |
| |) | |
| CLIFFORD WHITE and |) | |
| EBONY MOODY, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant White's Motion to Continue Trial and All Other Deadlines [Doc. 21] and Defendant Moody's Motion to Adopt Motion to Continue Trial and All Other Deadlines [Doc. 22], both filed on June 14, 2024.

Defendant White asks the Court to continue trial by approximately ninety days and to continue all other deadlines [Doc. 21]. In support of his motion, Defendant asserts that defense counsel has not been able to complete his investigation of this matter and therefore cannot fully advise Defendant White of the best possible outcome. Defendant White states that he understands that the period of time between the filing of this motion for continuance and a rescheduled court date will be fully excludable for speedy trial purposes. Defendant White informs the Court that counsel for the Government does not oppose a continuance.

Defendant Moody filed a Motion to Adopt Motion to Continue Trial and All Other Deadlines [Doc. 22]. In support of her motion, Defendant Moody asserts that she agrees with Codefendant White's motion and asks the Court to grant a continuance of the trial date and all

associated deadlines. Defense counsel confirmed with Chambers via email that Defendant Moody understands her right to a speedy trial and agrees to the requested continuance.

Based upon the information in Defendants' motions and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendants and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs more time to complete investigation into the facts and circumstances of this matter, consult with Defendants, and otherwise prepare for trial. The Court finds that all of this cannot occur before the July 16, 2024 trial date.

The Court therefore **GRANTS** Defendant White's Motion to Continue Trial and All Other Deadlines [**Doc. 21**] and **GRANTS** Defendant Moody's Motion to Adopt Motion to Continue Trial and All Other Deadlines [**Doc. 22**]. The trial of this case is reset to **November 5, 2024**. A new, comprehensive trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendants and the public in a speedy trial, all of the time between the filing of the motion on June 14, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

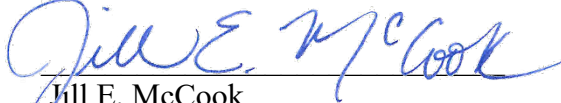
Accordingly, it is **ORDERED** as follows:

- (1) Defendant White's Motion to Continue Trial and All Other Deadlines [**Doc. 21**] is **GRANTED**;
- (2) Defendant Moody's Motion to Adopt Motion to Continue Trial and All Other Deadlines [**Doc. 22**] is **GRANTED**;

- (3) the trial of this matter is reset to commence on **November 5, 2024, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (4) all time between the filing of the motion on **June 14, 2024**, and the new trial date of **November 5, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (5) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **October 4, 2024**;
- (6) the deadline for filing motions *in limine* is **October 21, 2024**;
- (7) the parties are to appear before the undersigned for a final pretrial conference on **October 22, 2024, at 10:00 a.m.**; and
- (8) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **October 25, 2024**.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge